IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 9689 of 2007(C)

PETITIONER:

KAKKUR GRAMA PANCHAYATH,
P.O.KAKKUR, PIN-673 619, KOZHIKODE DISTRICT,
REPRESENTED BY ITS SECRETARY, K.P.BALAN.

BY ADV. DR.K.B.MUHAMED KUTTY (SR.)
SRI.K.M.FIROZ

RESPONDENTS:

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1. M.K.MEENAKSHI, MANNAMARUKANDI VEEDU,
KAKOOR, KOZHIKODE.

2. THE VILLAGE EXTENSION OFFICER,
KAKKUR GRAMA PANCHAYATH, P.O.KAKKUR,
PIN-673 619.

3. THE HON'BLE OMBUDSMAN FOR LOCAL SELF
GOVERNMENT INSTITUTIONS, KUNNUKUZHI,
VANCHIYOOR P.O., THIRUVANANTHAPURAM,
REPRESENTED BY ITS SECRETARY.

R1 BY ADV. SRI.P.P.JACOB
SRI.MOHAMMED SALIH. M
R2 BY GOVT. PLEADER SRI. K.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 9689 of 2007

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Dated this the 13th day of July, 2007

JUDGMENT

Petitioner challenges Exts.P4 and P6. Ext.P4 is an order passed by the Ombudsman, by which it directed the petitioner Panchayat to extent the benefit to the first respondent herein, if she satisfies all other formalities. Ext.P6 is an order passed by the Ombudsman on Ext.P5 review petition filed by the petitioner rejecting the review. Case of the petitioner is that the first respondent applied for assistance for construction of a house vide Ext.P2 application and it was not granted. The said application is dated 17.9.2004. Two contentions are raised by the learned counsel for the petitioner. Firstly it is contended that the first respondent availed a benefit from the Panchayat in the year 1993-1994 and the last instalment was paid in 1997. It is contended that the petitioner has not filled clause 11 in Ext.P2 and the respondent has not stated the fact that the respondent had received the benefit in 1993-1994 and the last instalment was paid in 1997. The second contention is an offshoot of the first contention and it is integrally connected with

it. As stated in Ext.P2 itself, the first respondent was not entitled to the benefit within ten years of receipt of the earlier benefit. Of course it is the case of the first respondent that the first respondent must be treated as having received the benefit in the year 1993-1994 and therefore there is nothing illegal in the grant of the benefit as per Ext.P2 application as it is beyond ten years. Learned counsel for the first respondent Sri. P.P.Jacob would contend that even if the last instalment was received in 1997, that would not disentitle the first respondent from the receipt of the benefit on the basis of Ext.P2 application.

2. I find that the question relating to the effect of the clause in Ext.P2 is that if the facts are not fully stated or incorrect facts are stated, the application can be declined. I feel that the matter has to be reconsidered in view of the fact that petitioner has raised these contentions in the review.

Ext.P6 is accordingly quashed and the third respondent will consider the matter afresh with opportunity of hearing to the petitioner and the first respondent and fresh orders in accordance with law will be passed within six weeks from the date of receipt of a copy of this

judgment.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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